

## **Senate Bill No. 80**

### **CHAPTER 174**

An act to amend Sections 41203.1, 41350, 48313, 48315, 49430, 56836.155, 60601, 60642, and 60810 of, to amend and repeal Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60643, and 60643.1 of, to add Sections 48314.5, 49430.7, and 52055.58 to, and to add and repeal Chapter 6.5 (commencing with Section 52060) of Part 28 of Division 4 of Title 2 of, the Education Code, to amend Section 17581.5 of the Government Code, to amend Section 37 of Chapter 79 of the Statutes of 2006, and to amend Item 6110-136-0890 of Section 2.00 of Chapter 47 of the Statutes of 2006, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 24, 2007. Filed with  
Secretary of State August 24, 2007.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 80, Committee on Budget and Fiscal Review. Education.

(1) Existing law requires, for the 1990–91 fiscal year and each fiscal year thereafter, that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the fiscal years between the 1992–93 and 2006–07 fiscal years, inclusive.

This bill, in addition, would make that provision inapplicable to the 2007–08 fiscal year.

(2) Existing law requires the Superintendent of Public Instruction to reimburse school districts for free and reduced-price meals served or sold based on the average statewide meal cost.

This bill would base that reimbursement on the median statewide meal cost.

(3) Existing law requires each person between the ages of 6 and 18 years who is not otherwise exempt to attend the public full-time day school in the school district in which his or her parent or guardian is a resident. The governing board of a school district is authorized to accept interdistrict transfers by admitting pupils residing in other school districts to attend its schools, subject to specified conditions. A school district that elects to accept interdistrict transfers is authorized to keep an accounting of all requests made for alternative attendance and records of all disposition of those requests. The provisions governing interdistrict transfers become inoperative on July 1, 2007, and are repealed on January 1, 2008.

This bill, instead, would require a school district that elects to accept interdistrict transfers to keep an accounting of all requests made for alternative attendance and records of all disposition of those requests and to report that information to the Superintendent of Public Instruction annually on or before a date designated by the Superintendent. Commencing in 2008, the Superintendent annually would be required to make the information received from school districts available to the Governor, the Legislature, and the public on or before April 1. On or before November 1, 2008, the State Department of Education would be required to prepare and submit a report to the Legislature regarding the effectiveness of the interdistrict transfer program. Commencing on the effective date of this bill, the governing board of a school district that has not previously elected to participate in the interdistrict transfer program would be prohibited from electing to become a school district of choice, as defined. The inoperative and repeal dates for the provisions governing interdistrict transfers would be extended to July 1, 2009, and January 1, 2010, respectively.

(4) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school to be reimbursed \$0.21 for free and reduced-price meals sold or served to pupils. To qualify for this reimbursement, a school is required to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the United States Department of Agriculture (USDA) or the California's Shaping Health as Partners in Education (SHAPE) menu patterns developed by the state.

The Child Nutrition Act of 1974 authorizes a child nutrition entity, as defined, to apply to the State Department of Education for all available federal and state funds so that a nutritionally adequate breakfast or lunch, or both, may be provided to pupils and requires the department before July 1 of each year to prescribe an adjustment in the established state meal contribution rates based on a specified cost-of-living adjustment.

This bill would require schools and school districts, commencing with the 2007–08 fiscal year, for meals and food items sold or served as part of a free or reduced-price meal program, to comply with specified nutrition-related prohibitions and requirements. By requiring schools and school districts to satisfy new requirements for free and reduced-price meals, the bill would impose a state-mandated local program. These prohibitions and requirements would not apply to USDA commodity foods, as specified. Child development programs would be encouraged, commencing with the 2007–08 fiscal year, for meals and food items sold or served as part of a free or reduced-price meal program, to comply with specified nutrition-related prohibitions and requirements.

(5) Existing law requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. A local educational agency that is identified for

corrective action under the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) is subject to one or more sanctions recommended by the Superintendent and approved by the state board, including a requirement to contract with a district assistance and intervention team to aid the local educational agency.

This bill would require the department to transmit, by April 1, 2010, to the appropriate fiscal and policy committees of the Legislature, the Legislative Analyst's Office, and the Department of Finance a copy of the final evaluation of the pilot project involving district assistance and intervention teams conducted by the department and a consortium of county offices of education.

(6) Existing law, the Budget Act of 2006, appropriates \$633,000 for purposes of the American Indian Early Childhood Education Program. That program was repealed effective January 1, 2004.

This bill would recodify the American Indian Early Childhood Education Program, under which the governing board of a school district receiving equalization aid, having a school in which there is a concentration of 10% or more of American Indian pupils, and that maintains prekindergarten or kindergarten, or both, and grades 1 to 4, inclusive, would be authorized to apply to the Superintendent of Public Instruction for a project in American Indian early childhood education. A school district receiving funds would be required to establish a districtwide American Indian advisory committee for American Indian early childhood education.

(7) Existing law adjusts funding for individuals with exceptional needs based on an incidence multiplier, as defined, for each special education local plan area.

This bill would continue the current special education incidence factor formula through the 2007–08 fiscal year.

(8) Existing law, the Leroy Greene California Assessment of Academic Achievement Act, until July 1, 2007, requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program. Existing law, commencing July 1, 2007, deletes that requirement with regard to pupils in grade 2. Existing law repeals the act on January 1, 2011.

This bill would reinstate the requirement that each school district, charter school, and county office of education administer those achievement tests to each of its pupils in grade 2 on and after July 1, 2007. The bill would make certain provisions relating to those achievement tests inoperative on July 1, 2011, and would extend the repeal date of the act to January 1, 2012. By extending the time period during which school districts are required to perform various duties related to the administration of achievement tests, the bill would impose a state-mandated local program.

(9) Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English and to determine

if those tests have sufficient range to assess pupils in kindergarten and grades 1 to 12, inclusive, in English reading, speaking, and written skills. Pupils in kindergarten and grade 1 are required to be assessed in reading and written communication only to the extent that comparable standards and assessments in English and language arts are used for native speakers of English.

This bill, instead, would require the tests to have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and would require pupils in kindergarten and grade 1 to be assessed in English listening, speaking, and early literacy skills. In developing the test for pupils in kindergarten and grade 1, the State Department of Education would be required to minimize any additional testing time and to ensure that the test is age and developmentally appropriate, as specified. The department would be required to report to the Legislature on the administration of the kindergarten and grade 1 English listening, speaking, and early literacy assessment results, as well as on the administrative process, as specified.

(10) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions.

Existing law provides that no local agency or school district shall be required to implement or give effect to any statute or Executive order, or portion thereof that imposes a mandate during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if specified conditions are met, including that the statute or executive order, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. Existing law provides that only certain specified mandates are subject to that provision.

This bill would add Sexual Harassment Training in the Law Enforcement Workplace, as specified, to the list of mandates subject to that provision.

(11) Existing law appropriates \$26,726,000 from the General Fund to the State Department of Education for the Pupil Retention Block Grant for expenditure during the 2007–08 fiscal year.

This bill, instead, would appropriate that amount for supplemental instruction for expenditure during the 2007–08 fiscal year, thereby making an appropriation.

(12) Existing law requires a school district or charter school that applies for funding appropriated for the purpose of meeting the outstanding long-term fiscal obligations of school districts and charter schools concerning retired employee nonpension benefits to complete and submit to the county superintendent of schools a plan for meeting those obligations.

This bill would require the plan to be completed and submitted to the county superintendent of schools on or before June 30, 2009.

(13) Existing law requires the State Department of Education to contract for the development of the California Longitudinal Pupil Achievement Data System, which will provide for the retention and analysis of data on specified statewide tests administered to pupils. The data elements and codes included in the system are required to comply with, among other things, the federal Family Education Rights and Privacy Act statute and regulations.

This bill would require the department to provide a report, no later than August 1, 2007, to the Legislature, the Department of Finance, the Office of the Secretary for Education, and the Legislative Analyst's Office that includes the current guidelines used by the department regarding access to data within CALPADS, a summary of the ways in which other states interpret and apply the federal Family Educational Rights and Privacy Act, and suggestions, based on current knowledge and understanding, for options to ensure access that is consistent with the federal Family Educational Rights and Privacy Act.

(14) This bill would set the cost-of-living adjustment for specified items in the Budget Act of 2006 at 4.53%.

(15) This bill would make funds appropriated pursuant to specified items in the Budget Act of 2007 available for encumbrance until July 31, 2010, and would thereafter revert all unencumbered funds in those items to the Proposition 98 Reversion Account.

(16) This bill would appropriate \$388,283,000 from the General Fund for expenditure during the 2008–09 fiscal year according to a specified schedule. The bill would provide that for purposes of satisfying the minimum annual funding obligation for school districts required by the California Constitution, those funds are General Fund revenues appropriated for school districts and community college districts for the 2008–09 fiscal year.

(17) This bill would appropriate \$200,000,000 from the General Fund to the Board of Governors of the California Community Colleges for expenditure during the 2008–09 fiscal year according to a specified item in the Budget Act of 2007. The bill would provide that for purposes of satisfying the minimum annual funding obligation for community college districts required by the California Constitution, those funds are General Fund revenues appropriated for community college districts for the 2008–09 fiscal year.

(18) This bill would state the intent of the Legislature regarding the priority allocation, in the 2008–09 fiscal year, of certain funds for kindergarten and grades 1 to 12, inclusive, to fund revenue limit equalization.

(19) This bill would make other technical, clarifying, and conforming changes.

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(21) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 41203.1 of the Education Code is amended to read:

41203.1. (a) For the 1990–91 fiscal year and each fiscal year thereafter, allocations calculated pursuant to Section 41203 shall be distributed in accordance with calculations provided in this section. Notwithstanding Section 41203, and for the purposes of this section, school districts, community college districts, and direct elementary and secondary level instructional services provided by the State of California shall be regarded as separate segments of public education, and each of these three segments of public education shall be entitled to receive respective shares of the amount calculated pursuant to Section 41203 as though the calculation made pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution were to be applied separately to each segment and the base year for the purposes of this calculation under paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution were based on the 1989–90 fiscal year. Calculations made pursuant to this subdivision shall be made so that each segment of public education is entitled to the greater of the amounts calculated for that segment pursuant to paragraph (1) or (2) of subdivision (b) of Section 8 of Article XVI of the California Constitution.

(b) If the single calculation made pursuant to Section 41203 yields a guaranteed amount of funding that is less than the sum of the amounts calculated pursuant to subdivision (a), the amount calculated pursuant to Section 41203 shall be prorated for the three segments of public education.

(c) Notwithstanding any other law, this section does not apply to the 1992–93 to 2007–08 fiscal years, inclusive.

SEC. 2. Section 41350 of the Education Code is amended to read:

41350. The Superintendent shall make allowances for child nutrition as follows:

(a) Reimbursement of child nutrition entities, as defined by Section 49530.5, for all free and reduced-price meals, pursuant to Section 49536.

(b) Reimbursement of school districts for the difference between the current fiscal year median statewide lunch or breakfast cost for all free and reduced-price meals required by Section 49550 as determined by the Superintendent and the combined total income per meal derived from pupil charges, federal funds, and state funds as provided in Article 11 (commencing with Section 49550) of Chapter 9 of Part 27.

(c) Reimbursement of county superintendents of schools for the difference between the current fiscal year median statewide lunch or breakfast cost for all free and reduced-price meals as determined by the Superintendent and the combined total income per meal derived from pupil charges, federal

funds, and state funds as provided in Article 11 (commencing with Section 49550) of Chapter 9 of Part 27.

The combined state and federal reimbursements shall not exceed the current fiscal year median statewide lunch or breakfast cost. If the combined pupil charges, state reimbursements, and federal reimbursements exceed the current median statewide lunch or breakfast costs, the federal funds shall be expended prior to the expenditure of any state funds.

SEC. 3. Section 48313 of the Education Code is amended to read:

48313. (a) Pursuant to this article, each school district electing to accept transfer pupils shall keep an accounting of all requests made for alternative attendance and records of all disposition of those requests that may include, but are not limited to, all of the following:

- (1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records may indicate the reasons for the denials.
- (2) The number of pupils transferred out of the district pursuant to this article.
- (3) The number of pupils transferred into the district pursuant to this article.

(b) The information maintained pursuant to subdivision (a) may be reported to the governing board of the school district at a regularly scheduled meeting of the governing board. The school district annually shall report the information maintained pursuant to subdivision (a) in addition to information regarding the district's status as a school district of choice to the Superintendent on or before a date designated by the Superintendent. Commencing in 2008, the Superintendent annually shall make the information available to the Governor, the Legislature, and the public on or before April 1.

(c) On or before November 1, 2008, the department shall prepare and submit to the Legislature a report evaluating interdistrict transfer options within the state with an emphasis on the interdistrict transfer program established pursuant to this article. The report shall include, but is not limited to, the information described in paragraphs (1) to (3), inclusive, of subdivision (a) and all of the following:

- (1) The number and characteristics of pupils who use one of the various interdistrict transfer options and other school choice options within the state, with a specific focus on pupils who use the interdistrict transfer program established pursuant to this article. The characteristics reported on pursuant to this paragraph shall include, but not be limited to, race, ethnicity, socioeconomic status, English proficiency, and whether or not the pupil participates in a special education program, the International Baccalaureate Program, or another specialized instructional program.
- (2) The Academic Performance Index scores of schools in school districts of residence and school districts of choice for the previous five years, including subgroup scores.
- (3) The graduation rates of school districts of residence and school districts of choice for the previous five years.

(4) The enrollment of school districts of residence and school districts of choice for the previous five years.

(5) The fiscal health of school districts of residence and school districts of choice, including, but not limited to, both of the following:

(A) Whether or not the school district is experiencing a decline in enrollment.

(B) Whether or not the school district received a negative or qualified rating of its certification pursuant to Section 42131.

(6) Whether any school district has exceeded the transfer limits in Section 48307 and the resulting implications for the impacted district.

(7) Other information the department deems appropriate, including information related to educational outcomes of school districts of residence and school districts of choice.

(8) Recommendations regarding the extension of the interdistrict transfer program pursuant to this article.

(d) To the extent practicable, the department shall survey school districts of residence and school districts of choice to gather the information described in paragraphs (1) to (7), inclusive, of subdivision (c).

SEC. 4. Section 48314.5 is added to the Education Code, to read:

48314.5. Notwithstanding any other provision of this article, commencing on the effective date of the act adding this section, the governing board of a school district that has not previously elected to participate in interdistrict transfers pursuant to this article shall not elect to become a school district of choice.

SEC. 5. Section 48315 of the Education Code is amended to read:

48315. This article shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 49430 of the Education Code is amended to read:

49430. As used in this article, the following terms have the following meanings:

(a) “Elementary school” means a public school that maintains any grade from kindergarten to grade 6, inclusive, but no grade higher than grade 6.

(b) “Middle school” means a public school that maintains grade 7 or 8, 7 to 9, inclusive, or 7 to 10, inclusive.

(c) “High school” means a public school maintaining any of grades 9 to 12, inclusive.

(d) “Full meal” means a combination of food items that meet USDA-approved School Breakfast Program or National School Lunch Program meal pattern requirements or the menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network).

(e) “Added sweetener” means an additive other than 100 percent fruit juice that enhances the sweetness of a beverage.

(f) “Sold” means the exchange of food for money, coupons, or vouchers.



(g) “Entrée” means a food that is generally regarded as being the primary food in a meal, and shall include, but not be limited to, sandwiches, burritos, pasta, and pizza.

(h) “Snack” means a food that is generally regarded as supplementing a meal, including, but not limited to, chips, crackers, onion rings, nachos, french fries, donuts, cookies, pastries, cinnamon rolls, and candy.

(i) “Deep fried” means a food item is cooked by total submersion in oil or fat.

(j) “Par fried” means a food item is fried to reach an internal temperature of 160 degrees Fahrenheit then is cooled to room temperature so that it may be refrigerated or frozen for future frying.

(k) “Flash fried” means a food item is quickly fried on both sides in oil with a temperature of 400 degrees Fahrenheit or higher.

SEC. 7. Section 49430.7 is added to the Education Code, to read:

49430.7. (a) For purposes of this section, the following terms have the following meanings:

(1) “School” means a school operated and maintained by a school district or county office of education, or a charter school.

(2) “School district” means a school district, charter school, or county office of education.

(3) “Child development program” means a program operated pursuant to Chapter 2 (commencing with Section 8200) of Part 6.

(b) As a condition of receipt of funds pursuant to Section 49430.5, commencing with the 2007–08 fiscal year, for meals and food items sold as part of the free and reduced-price meal programs, a school or school district shall comply with all of the following requirements and prohibitions:

(1) Follow the United States Department of Agriculture (USDA) nutritional guidelines or the menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network).

(2) Not sell or serve a food item that has in any way been deep fried, par fried, or flash fried by a school or school district.

(3) Not sell or serve a food item containing artificial trans fat. A food item contains artificial trans fat if it contains vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil, unless the manufacturer’s documentation or the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 gram per serving.

(4) Not sell or serve a food item that has been deep fried, par fried, or flash fried in oil or fat as part of the manufacturing process. Oils and fats prohibited by this paragraph include, but are not limited to, palm, coconut, palm kernel, lard, typically solid at room temperature and are known to negatively impact cardiovascular health. Oils permitted by this paragraph include, but are not limited to, canola, safflower, sunflower, corn, olive, soybean, peanut, or a blend of these oils, typically liquid at room temperature and are known for their positive cardiovascular benefit.

(c) Commencing with the 2007–08 fiscal year, for meals and food items sold as part of the free and reduced-price meal programs, a child development program is encouraged to comply with all of the following guidelines:

(1) Meet developmentally and programmatically appropriate meal pattern and meal planning requirements developed by the USDA or menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network).

(2) Not sell or serve a food item that has in any way been deep fried, par fried, or flash fried by a school, school district, or child development program.

(3) Not sell or serve a food item containing artificial trans fat. A food item contains artificial trans fat if it contains vegetable shortening, margarine, or any kind of hydrogenated or partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food, pursuant to applicable federal and state law, lists the trans fat content as less than 0.5 gram per serving.

(4) Not sell or serve a food item that has been deep fried, par fried, or flash fried in oil or fat as part of the manufacturing process. Oils and fats prohibited by this paragraph include, but are not limited to, palm, coconut, palm kernel, lard, typically solid at room temperature and are known to negatively impact cardiovascular health. Oils permitted by this provision include, but are not limited to, canola, safflower, sunflower, corn, olive, soybean, peanut, or a blend of these oils, typically liquid at room temperature and are known for their positive cardiovascular benefit.

(d) The prohibitions and requirements of this section regarding food items sold or served by a school or school district apply to raw bulk USDA commodity foods ordered by schools or school districts and sent to commercial processors for conversion into ready to use end products, but do not apply to other USDA commodity foods until the scheduled 2009 reauthorization of the USDA National School Lunch Program is complete or ingredient and nutrition information is available for all USDA commodity foods, whichever is earlier.

(e) As a condition of receipt of funds pursuant to Section 49430.5, no later than June 30, 2008, schools and school districts shall provide the department with a one-time certification of compliance with the provisions of this section.

(f) This section shall become operative only upon an appropriation for its purposes in the annual Budget Act or another statute.

SEC. 8. Section 52055.58 is added to the Education Code, to read:

52055.58. By April 1, 2010, the department shall transmit to the appropriate fiscal and policy committees of the Legislature, the Legislative Analyst's Office, and the Department of Finance a copy of the final evaluation of the pilot project involving district assistance and intervention teams conducted by the department and a consortium of county offices of education.

SEC. 9. Chapter 6.5 (commencing with Section 52060) is added to Part 28 of Division 4 of Title 2 of the Education Code, to read:

CHAPTER 6.5. AMERICAN INDIAN EARLY CHILDHOOD EDUCATION  
PROGRAM

52060. (a) It is the intent and purpose of the Legislature that the American Indian Early Childhood Education Program provided for by this chapter be directed to improve the educational accomplishments of American Indian pupils in the educational systems in California.

(b) It is the intent of the Legislature to establish projects in American Indian education that are designed to develop and test educational models that increase competence in reading and mathematics. These instructional projects shall be provided in prekindergarten, kindergarten, and grades 1 to 4, inclusive.

(c) The Legislature recognizes the importance of American Indian parent-community involvement in the planning, implementing, and evaluation of the American Indian early childhood education programs.

52061. As used in this chapter:

(a) "State board" means the State Board of Education.

(b) "Superintendent" means the Superintendent of Public Instruction.

(c) "Project" means an organized undertaking in American Indian early childhood education that includes, but is not limited to, a description of the undertaking, a listing of the goals and objectives to be achieved, a statement of methods to be used, and the methods to be used in evaluating the success of the project.

52062. From the funds appropriated to the department for the purposes of this chapter, the Superintendent, with the approval of the state board, shall administer this chapter and make apportionments to school districts to meet the total approved expense that school districts incurred in establishing American Indian early childhood education programs.

52063. (a) The governing board of a school district receiving equalization aid, having a school in which there is a concentration of 10 percent or more of American Indian pupils, and that maintains prekindergarten or kindergarten, or both, and grades 1 to 4, inclusive, may apply to the Superintendent for a project in American Indian early childhood education.

(b) The governing boards of two or more of school districts that may apply for a project pursuant to subdivision (a) may apply jointly for a project in American Indian early childhood education.

(c) The application shall be made on forms provided by the Superintendent and in accordance with the rules and regulations adopted by the state board. The dates for making application shall be established by the Superintendent.

52064. Upon approval by the state board of an application under Section 52063, the Superintendent shall certify the amount to be apportioned to the applicant school district.

52065. (a) A school district receiving funds provided by Section 52062 shall establish a districtwide American Indian advisory committee for American Indian early childhood education.

(b) At each participating school, an American Indian parent advisory committee shall be established to increase communication and understanding between members of a community and the school officials. Each committee shall provide advice and suggestions on all parts of the program.

52066. This chapter shall remain in effect only until January 1, 2009, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2009, deletes or extends that date.

SEC. 10. Section 56836.155 of the Education Code is amended to read:

56836.155. (a) On or before November 2, 1998, the department, in conjunction with the Legislative Analyst's Office, shall do the following:

(1) Calculate an "incidence multiplier" for each special education local plan area using the definition, methodology, and data provided in the final report submitted by the American Institutes for Research pursuant to Section 67 of Chapter 854 of the Statutes of 1997.

(2) Submit the incidence multiplier for each special education local plan area and supporting data to the Department of Finance.

(b) The Department of Finance shall review the incidence multiplier for each special education local plan area and the supporting data, and report any errors to the department and the Legislative Analyst's Office for correction.

(c) The Department of Finance shall approve the final incidence multiplier for each special education local plan area by November 23, 1998.

(d) For the 1998–99 fiscal year and each fiscal year thereafter to and including the 2007–08 fiscal year, the Superintendent shall perform the following calculation to determine the adjusted entitlement of each special education local plan area for the incidence of disabilities:

(1) The incidence multiplier for the special education local plan area shall be multiplied by the statewide target amount per unit of average daily attendance for special education local plan areas determined pursuant to Section 56836.11 for the fiscal year in which the computation is made.

(2) The amount determined pursuant to paragraph (1) shall be added to the statewide target amount per unit of average daily attendance for special education local plan area determined pursuant to Section 56836.11 for the fiscal year in which the computation is made.

(3) Subtract the amount of funding for the special education local plan area determined pursuant to paragraph (1) of subdivision (a) or paragraph (1) of subdivision (b) of Section 56836.08, as appropriate for the fiscal year in which the computation is made, or the statewide target amount per unit of average daily attendance for special education local plan areas determined pursuant to Section 56836.11 for the fiscal year in which the computation is made, whichever is greater, from the amount determined pursuant to paragraph (2). For the purposes of this paragraph for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years, the amount, if any, received pursuant to Section 56836.159 shall be excluded from the funding level per unit of average daily attendance for a special education local plan area. If the result is less than zero, the special education local plan area may not receive an adjusted entitlement for the incidence of disabilities.

(4) Multiply the amount determined in paragraph (3) by either the average daily attendance reported for the special education local plan area for the fiscal year in which the computation is made, as adjusted pursuant to subdivision (a) of Section 56836.15, or the average daily attendance reported for the special education local plan area for the prior fiscal year, as adjusted pursuant to subdivision (a) of Section 56826.15, whichever is less.

(5) If there are insufficient funds appropriated in the fiscal year for which the computation is made for the purposes of this section, the amount received by each special education local plan area shall be prorated.

(e) For the 1997–98 fiscal year, the Superintendent shall perform the calculation in paragraphs (1) to (3), inclusive, of paragraph (d) only for the purposes of making the computation in paragraph (1) of subdivision (d) of Section 56836.08, but the special education local plan area may not receive an adjusted entitlement for the incidence of disabilities pursuant to this section for the 1997–98 fiscal year.

SEC. 11. Section 60601 of the Education Code is amended to read:

60601. This chapter shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends that date.

SEC. 12. Section 60603 of the Education Code, as amended by Section 3 of Chapter 233 of the Statutes of 2004, is amended to read:

60603. (a) As used in this chapter:

(1) “Achievement test” means any standardized test that measures the level of performance that a pupil has achieved in the core curriculum areas.

(2) “Assessment of applied academic skills” means a form of assessment that requires pupils to demonstrate their knowledge of, and ability to apply, academic knowledge and skills in order to solve problems and communicate. It may include, but is not limited to, writing an essay response to a question, conducting an experiment, or constructing a diagram or model. An assessment of applied academic skills may not include assessments of personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(3) “Basic academic skills” means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex intellectual abilities, including the synthesis and application of knowledge.

(4) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach and all pupils expected to learn in each of the core curriculum areas, at each grade level tested.

(5) “Core curriculum areas” means the areas of reading, writing, mathematics, history-social science, and science.

(6) “Diagnostic assessment” means interim assessments of the current level of achievement of a pupil that serves both of the following purposes:

(A) The identification of particular academic standards or skills a pupil has or has not yet achieved.

(B) The identification of possible reasons that a pupil has not yet achieved particular academic standards or skills.

(7) “Direct writing assessment” means an assessment of applied academic skills that requires pupils to use written expression to demonstrate writing skills, including writing mechanics, grammar, punctuation, and spelling.

(8) “End of course exam” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(9) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(10) “Publisher” means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

(11) “Statewide pupil assessment program” means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the state board.

(b) This section shall become inoperative on July 1, 2011.

SEC. 13. Section 60603 of the Education Code, as added by Section 4 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 14. Section 60604 of the Education Code, as amended by Section 5 of Chapter 233 of the Statutes of 2004, is amended to read:

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment program consistent with the testing requirements of this article in accordance with the objectives set forth in Section 60602. That program shall include all of the following:

(1) A plan for producing valid, reliable, and comparable individual pupil scores in grades 2 to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the state board that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program established by Article 4 (commencing with Section 60640).

(2) A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades 2 to 11, inclusive, that is based on the achievement test designated pursuant to subdivision (b) of Section 60605.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, and the public in all phases of the design and implementation of the statewide pupil assessment program.

(7) The development of a contract or contracts with a publisher or publishers, after the approval of statewide academically rigorous content standards by the state board, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in subdivision (a). The annual update shall be submitted on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall provide each school district with guidelines for professional development that are designed to assist classroom teachers to use the results of the assessments administered pursuant to this chapter to modify instruction for the purpose of improving pupil learning. These guidelines shall be developed in consultation with classroom teachers and approved by the state board before dissemination.

(d) The Superintendent and the state board shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of assessment instruments.

(e) The results of the achievement test administered pursuant to Article 4 (commencing with Section 60640) shall be returned to the school district within the period of time specified by the state board.

(f) This section shall become inoperative on July 1, 2011.

SEC. 15. Section 60604 of the Education Code, as added by Section 6 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 16. Section 60605 of the Education Code, as amended by Section 7 of Chapter 233 of the Statutes of 2004, is amended to read:

60605. (a) (1) (A) Not later than January 1, 1998, the state board shall adopt statewide academically rigorous content standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in the core curriculum areas of reading, writing, and mathematics to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California educational system. Not later than November 1, 1998, the state

board shall adopt these standards in the core curriculum areas of history/social science and science.

(B) The state board shall adopt statewide performance standards in the core curriculum areas of reading, writing, mathematics, history/social science, and science based on the recommendations made by the Superintendent of a contractor or contractors.

(C) The state board shall require the contractor or contractors to submit performance standards to the Superintendent and the state board not later than a specified date that allows sufficient opportunity for the Superintendent to make a recommendation to the state board and for the state board to conduct regional hearings prior to the adoption of the performance standards.

(2) (A) The state board may modify any proposed content standards or performance standards prior to adoption and may adopt content and performance standards in individual core curriculum areas as those standards are submitted to the state board. The state performance standards shall be established against specific grade level benchmarks of academic achievement for each subject area tested and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem. The standards adopted pursuant to this section shall be for the purpose of guiding state decisions regarding the development, adoption, and approval of assessment instruments pursuant to this chapter and does not mandate any actions or activities by school districts.

(B) Because these standards are models, the adoption of these standards is not subject to the Administrative Procedure Act. This subparagraph is declaratory of existing law.

(3) Before adopting academic content and performance standards, the state board shall hold regional hearings for the purpose of giving parents and other members of the public the opportunity to comment on the proposed standards.

(b) (1) The state board shall require the department to notify publishers of the opportunity to submit, for consideration by the state board pursuant to Section 60642, tests of achievement that include all of the basic academic skills identified in subdivision (c) of Section 60603 in grades 2 to 8, inclusive, and the core curriculum areas of English and language arts, mathematics, and science in grades 9 to 11, inclusive.

(2) The Superintendent shall recommend to the state board which achievement test to adopt pursuant to subdivision (b) of Section 60642.

(c) (1) The state board shall ensure that the statewide assessment system adopted pursuant to this chapter yields valid, reliable individual pupil scores and, where applicable, aggregate school scores, school district scores, and statewide scores of pupils and assesses basic academic skills and content standards, including the use of a direct writing assessment or other applied academic skills if deemed valid and reliable and if resources are made available for their use.



(2) This subdivision does not prevent the state board from developing or adopting an assessment instrument that also contains assessments of basic academic skills.

(d) To the extent feasible and as otherwise required, the state board shall ensure that assessments developed, or contracted for pursuant to Section 60642.5, by the state are aligned with the statewide content and performance standards adopted pursuant to subdivision (a). The department, with the approval of the state board, periodically shall contract for a review of the achievement test for conformance with these standards.

(e) After adopting statewide content and performance standards, the state board shall review the existing curriculum frameworks for conformity with the new statewide standards and shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.

(f) The state board shall adopt regulations for the conduct and administration of the testing and assessment program.

(g) The state board shall adopt a regulation for minimum security procedures that test and assessment publishers and school districts must follow to ensure the security and integrity of test and assessment questions and materials.

(h) This section shall become inoperative on July 1, 2011.

SEC. 17. Section 60605 of the Education Code, as added by Section 8 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 18. Section 60605.6 of the Education Code, as amended by Section 9 of Chapter 233 of the Statutes of 2004, is amended to read:

60605.6. Subject to the availability of funds in the annual Budget Act for this purpose, the Superintendent, upon approval of the state board, shall contract for the development and distribution of workbooks, as follows:

(a) One workbook to be distributed to all pupils in the 10th grade. This workbook shall contain information on the proficiency levels that must be demonstrated by pupils on the high school exit examination described in Chapter 9 (commencing with Section 60850). The workbook also shall contain sample questions, with explanations describing how these sample questions test pupil knowledge of the language arts and mathematics content standards adopted by the state board pursuant to Section 60605.

(b) Separate workbooks for each of grades 2 to 11, inclusive. Each pupil in grades 2 to 11, inclusive, who is required to take the achievement tests described in Section 60642 or Section 60642.5 shall receive a copy of the workbook designed for the same grade level in which the pupil is enrolled. These workbooks shall contain material to assist pupils and their parents with standards-based learning, including the grade appropriate academic content standards adopted by the state board pursuant to Section 60605 and sample questions that require knowledge of these standards to answer. The workbooks also shall describe how the sample questions test knowledge of the state board adopted academic content standards.

(c) This section shall become inoperative on July 1, 2011.

SEC. 19. Section 60605.6 of the Education Code, as added by Section 10 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 20. Section 60606 of the Education Code, as amended by Section 11 of Chapter 233 of the Statutes of 2004, is amended to read:

60606. (a) After designating a test of academic achievement for use in grades 2 to 11, inclusive, pursuant to Section 60642, or adopting an assessment of applied academic skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605, the state board shall submit each of those two instruments when designated or adopted to the Statewide Pupil Assessment Review Panel, which is hereby established, for review by the panel.

(b) The panel shall consist of six members. Three members shall be appointed by the Governor, one member shall be appointed by the Senate Committee on Rules, one member shall be appointed by the Speaker of the Assembly, and one member shall be appointed by the Superintendent. A majority of the panel shall consist of parents whose children attend public schools in the state in kindergarten and grades 1 to 12, inclusive.

(c) Panel members shall serve two-year terms, without compensation. No panel member shall serve more than two consecutive terms.

(d) The panel shall review the two instruments specified in subdivision (a) in order to ensure that the content of the instruments complies with the requirements of Section 60614. Notwithstanding any other provision of law, the panel may meet in closed session with a publisher for the purpose of addressing questions and clarifying issues that relate to ensuring that the content of the publisher's test or assessment, as the case may be, comply with the requirements of Section 60614.

(e) The panel shall report its findings and recommendations to the state board within 10 days of its receipt of each instrument. If the panel fails to report within the required 10 days, the test or assessment shall be deemed acceptable to the panel.

(f) This section shall become inoperative on July 1, 2011.

SEC. 21. Section 60606 of the Education Code, as added by Section 12 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 22. Section 60640 of the Education Code, as amended by Section 4 of Chapter 676 of the Statutes of 2005, is amended to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 2004–05 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 3 and 7 the achievement test designated by the state board pursuant to Section 60642 and shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the state board in subdivision (b).

(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.

(e) Pursuant to Section 1412(a)(17) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(f) (1) At the option of the school district, pupils with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable.

(2) Notwithstanding any other law, the state board shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997–98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(3) (A) The department shall use funds made available pursuant to Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget Act for the purpose of developing and adopting primary language assessments that are aligned to the state academic content standards. Subject to the availability of funds, primary language assessments shall be developed and adopted for reading/language arts and mathematics in the dominant primary language of limited-English-proficient pupils. The dominant primary language shall be determined by the count in the annual language census of the primary language of each limited-English-proficient pupil enrolled in the California public schools.

(B) Once a dominant primary language assessment is available for use for a specific grade level, it shall be administered in place of the assessment designated pursuant to paragraph (1) for that grade level.

(C) In choosing a contractor to develop a primary language assessment the state board shall consider the criteria for choosing a contractor or test publisher as specified by Sections 60642 and 60643, and as specified by Section 60642.5, as applicable.

(D) Subject to the availability of funds, the assessments shall be developed in grade order starting with the lowest grade subject to the STAR Program.

(E) If the state board contracts for the development of primary language assessments or test items to augment an existing assessment, the state shall retain ownership rights to the assessment and the test items. With the approval of the state board, the department may license the test for use in other states subject to a compensation agreement approved by the Department of Finance.

(F) On or before January 1, 2006, the department shall submit to the Legislature a report on the development and implementation of the initial primary language assessments and recommendations on the development and implementation of future assessments and funding requirements.

(g) A pupil identified as limited English proficient pursuant to the administration of a test made available pursuant to Section 60810 who is enrolled in any of grades 2 to 11, inclusive, and who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months shall be required to take a test in his or her primary language if a test is available.

(h) (1) The Superintendent shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (e), (f), and (g).

(2) The state board annually shall establish the amount of funding to be apportioned to school districts for each test administered and annually shall establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (e), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(i) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the Superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent, with the approval of the state board, annually shall release to the public at least 25 percent of test items from the standards-based achievement test provided for in Section 60642.5 from the test administered in the previous year.

(m) This section shall become inoperative on July, 1, 2011.

SEC. 23. Section 60640 of the Education Code, as amended by Section 5 of Chapter 676 of the Statutes of 2005, is repealed.

SEC. 24. Section 60642 of the Education Code is amended to read:

60642. (a) The Superintendent and the state board may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of Section 60605 for use as part of the STAR Program established by this article.

(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent pursuant to subdivision (b) of Section 60605, the state board, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades 3 and 7.

(c) The state board shall ensure that the achievement test designated pursuant to subdivision (b) contains the subject areas specified in subdivision (c) of Section 60603 for grades 3 and 7.

(d) The state board is hereby authorized to designate the achievement test to be administered pursuant to this article for more than one academic year subject to the availability of funds.

(e) The state board shall minimize, to the extent it deems feasible, the amount of testing time required by the assessment in subdivision (b) for those content areas for which there also exists a standards-based examination as provided for pursuant to Section 60642.5.

(f) This section shall become inoperative on July, 1, 2011.

SEC. 25. Section 60643 of the Education Code, as amended by Section 19 of Chapter 233 of the Statutes of 2004, is amended to read:

60643. (a) To be eligible for consideration under Section 60642 or 60642.5 by the state board, test publishers shall agree in writing each year to meet the following requirements, as applicable, if selected:

(1) Enter into an agreement, pursuant to subdivision (e) or (f), with the department by October 15 of that year.

(2) With respect to selection under Section 60642.5, align the standards-based achievement test provided for in Section 60642.5 to the academically rigorous content and performance standards adopted by the state board.

(3) Comply with subdivisions (c) and (d) of Section 60645.

(4) Provide valid and reliable individual pupil scores only in the content areas specified in subdivision (c) of Section 60642 to parents or guardians, teachers, and school administrators.

(5) Provide valid and reliable aggregate scores only in the content areas specified in subdivision (c) of Section 60642 to school districts and county boards of education in all of the following forms and formats:

(A) Grade level.

(B) School level.

(C) District level.

(D) Countywide.

(E) Statewide.

(F) Comparison of statewide scores relative to other states.

(6) Provide disaggregated scores, based on limited-English-proficient status and nonlimited-English-proficient status. For purposes of this section, pupils with “nonlimited-English-proficient status” shall include the total of those pupils who are English-only pupils, fluent-English-proficient pupils, and redesignated fluent-English-proficient pupils. These scores shall be provided to school districts and county boards of education in the same forms and formats listed in paragraph (5).

(7) Provide disaggregated scores by pupil gender and ethnicity and provide disaggregated scores based on whether pupils are economically disadvantaged or not. These disaggregated scores shall be in the same forms and formats as listed in paragraph (5). In any one year, the disaggregation shall entail information already being collected by school districts, county offices of education, or charter schools.

(8) Provide disaggregated scores for pupils who have individualized education programs and have enrolled in special education, to the extent required by federal law. These scores shall be provided in the same forms and formats listed in paragraph (5). This section shall not be construed to exclude the scores of special education pupils from any state or federal accountability system.

(9) Provide information listed in paragraphs (5), (6), (7), and (8) to the department and the state board in the medium requested by each entity, respectively.

(b) It is the intent of the Legislature that the publisher work with the Superintendent and the state board in developing a methodology to disaggregate statewide scores as required in paragraphs (6) and (7) of subdivision (a), and in determining which variable indicated on the STAR testing document shall serve as a proxy for “economically disadvantaged” status pursuant to paragraph (7).

(c) Access to any information about individual pupils or their families shall be granted to the publisher only for purposes of correctly associating test results with the pupils who produced those results or for reporting and disaggregating test results as required by this section. School districts are prohibited from excluding a pupil from the test if a parent or parents decline to disclose income. This chapter does not abridge or deny rights to confidentiality contained in the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable provisions of state and federal law that protect the confidentiality of information collected by educational institutions.

(d) Notwithstanding any other provision of law, the publisher of the achievement test designated pursuant to Section 60642, the publisher of the standards-based achievement test provided for in Section 60642.5, or any contractor under subdivision (f) shall comply with all of the conditions and requirements enumerated in subdivision (a), as applicable, to the satisfaction of the state board.

(e) (1) A publisher shall not provide a test described in Section 60642, 60642.5, or 60650 or in subdivision (f) of Section 60640 for use in California public schools, unless the publisher enters into a written contract with the department as set forth in this subdivision.

(2) The department shall develop, and the state board shall approve, a contract to be entered into with any publisher pursuant to paragraph (1). The department may develop the contract through negotiations with the publisher.

(3) For purposes of the contracts authorized pursuant to this subdivision, the department is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(4) The contracts shall include provisions for progress payments to the publisher for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that publisher. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price.

(5) The contracts shall require liquidated damages to be paid by the publisher in the amount of up to 10 percent of the total cost of the contract for any component task that the publisher through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

(6) The contracts shall establish the process and criteria by which the successful completion of each component task shall be recommended by the department and approved by the state board.

(7) The publishers shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of

the costs for each component task and the expected date of the invoice for each completed component task.

(8) The contracts shall specify the following component tasks, as applicable, that are separate and distinct:

(A) Development of new tests or test items as required by paragraph (2) of subdivision (a).

(B) Test materials production or publication.

(C) Delivery of test materials to school districts.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the school districts, including, but not limited to, all reports specified in this section.

(F) Reporting of test results to the department, including, but not limited to, the electronic files required pursuant to this section.

(G) All other analyses or reports required by the Superintendent to meet the requirements of state and federal law and set forth in the agreement.

(9) The contracts shall specify the specific reports and data files, if any, that are to be provided to school districts by the publisher and the number of copies of each report or file to be provided.

(10) The contracts shall specify the means by which any delivery date for materials to each school district shall be verified by the publisher and the school district.

(11) School districts may negotiate a separate agreement with the publisher for any additional materials or services not within the contracts specified in this subdivision, including, but not limited to, the administration of the tests to pupils in grade levels other than grades 2 to 11, inclusive. Any separate agreement is not within the scope of the contract specified in this subdivision.

(f) The department, with approval of the state board, may enter into a separate contract for the development or administration of any test authorized pursuant to this part, including, but not limited to, item development, coordination of tests, assemblage of tests or test items, scoring, or reporting. The liquidated damages provision set forth in paragraph (5) of subdivision (e) shall apply to any contract entered into pursuant to this subdivision.

(g) This section shall become inoperative on July 1, 2011.

SEC. 26. Section 60643 of the Education Code, as added by Section 20 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 27. Section 60643.1 of the Education Code, as amended by Section 21 of Chapter 233 of the Statutes of 2004, is amended to read:

60643.1. (a) (1) The test publisher designated by the state board pursuant to Section 60642 shall make available a reading list on the Internet by June 1 of the applicable school year. The reading list shall include an index that correlates ranges of pupil reading scores on the English language arts portion of the achievement test designated pursuant to Section 60642 to titles of materials that would be suitable for pupils in each of grades 2 to 11, inclusive, to read in order to improve their reading skills. This reading list shall include titles of books that allow a pupil to practice reading at his or her current reading level and that will assist the pupil in achieving a



higher level of proficiency. To the extent possible, the index also shall include information related to the subject matter of each title. At a minimum, the reading list also shall categorize titles by subject matter and identify age-appropriate distinctions in the list.

(2) The test publisher, in each school year, shall make available for purchase by school districts a report that provides a numerical distribution of the reading scores of all pupils in California who took the achievement test designated pursuant to Section 60642.

(3) The test publisher, in each school year, shall make available for purchase by school districts reading lists that can be distributed to pupils based on a pupil's age and the ranges of scores on the English language arts portion of the achievement test designated pursuant to Section 60642.

(4) The requirements of this subdivision shall become operative only upon a determination by the Director of Finance that funds are available to make an adjustment pursuant to subdivision (h) of Section 60640.

(b) The state board and the Superintendent jointly shall certify that the process used by the publisher to determine the reading levels of the corresponding reading list pursuant to paragraph (1) of subdivision (a) meets the following criteria:

(1) The process is educationally valid.

(2) The process results in a reading list for each reading span that provides titles at the pupil's current reading level and the next higher level for challenging practice.

(3) The process results in a selection from the universe of titles from the list developed pursuant to subdivision (d) that matches each reading level.

(4) The process is unbiased in the selection of publishers' titles from the legal compliance list.

(c) The titles listed at each reading level range posted on the Internet and the reading lists made available to school districts pursuant to subdivision (a), at a minimum, shall include all relevant literature materials approved as of September 1, 1999, as being legally compliant pursuant to Article 3 (commencing with Section 60040) of Chapter 1 of Part 33, and the titles listed in all of the content area reading and literature lists that are developed and published by the department and that have been determined by the department to meet the relevant reading level as certified pursuant to subdivision (b).

(d) By imposing the requirements of this section on publishers, it is not the intent of the Legislature to unfairly disadvantage any publisher who has otherwise met the requirements of this section or of Article 3 (commencing with Section 60040) of Chapter 1 of Part 33.

(e) This section shall become inoperative on July, 1, 2011.

SEC. 28. Section 60643.1 of the Education Code, as added by Section 22 of Chapter 233 of the Statutes of 2004, is repealed.

SEC. 29. Section 60810 of the Education Code is amended to read:

60810. (a) (1) The Superintendent shall review existing tests that assess the English language development of pupils whose primary language is a language other than English. The tests shall include, but not be limited to,

an assessment of achievement of these pupils in English reading, speaking, and written skills. The Superintendent shall determine which tests, if any, meet the requirements of subdivisions (b) and (c). If any existing test or series of tests meets these criteria, the Superintendent, with approval of the state board, shall report to the Legislature on its findings and recommendations.

(2) If no suitable test exists, the Superintendent shall explore the option of a collaborative effort with other states to develop a test or series of tests and share test development costs. If no suitable test exists, the Superintendent, with approval of the state board, may contract to develop a test or series of tests that meets the criteria of subdivisions (b) and (c) or may contract to modify an existing test or series of tests so that it will meet the requirements of subdivisions (b) and (c).

(3) The Superintendent and the state board shall release a request for proposals for the development of the test or series of tests required by this subdivision. The state board shall select a contractor or contractors for the development of the test or series of tests required by this subdivision, to be available for administration during the 2000–01 school year.

(4) The Superintendent shall apportion funds appropriated to enable school districts to meet the requirements of subdivision (d). The state board shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

(5) An adjustment to the amount of funding to be apportioned per test is not valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(b) (1) The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of three years beginning after the initial administration of the assessment or until July 1, 2012, whichever occurs first. Six months after the results of the last administered assessment are collected, but no later than January 1, 2013, the department shall report to the Legislature on the administration of the kindergarten and grade 1 early literacy assessment results, as well as on the administrative process, in order to determine whether reauthorization of the early literacy assessment is appropriate.

(2) In the development and administration of the assessment for pupils in kindergarten and grade 1, the department shall minimize any additional assessment time, to the extent possible. To the extent that it is technically possible, items that are used to assess listening and speaking shall be used to measure early literacy skills. The department shall ensure that the test and procedures for its administration are age and developmentally appropriate. Age and developmentally appropriate procedures for administration may include, but are not limited to, one-on-one administration, a small group setting, and orally responding or circling a response to a question.

(c) The test or series of tests shall meet all of the following requirements:

(1) Provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English proficiency to fluent English proficiency with at least two intermediate levels.

(2) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(3) Be capable of administration to pupils with any primary language other than English.

(4) Be capable of administration by classroom teachers.

(5) Yield scores that allow comparison of the growth of a pupil over time, can be tied to readiness for various instructional options, and can be aggregated for use in the evaluation of program effectiveness.

(6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.

(8) Be age and developmentally appropriate for pupils.

(d) The test shall be used for the following purposes:

(1) To identify pupils who are limited English proficient.

(2) To determine the level of English language proficiency of pupils who are limited English proficient.

(3) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

SEC. 30. Section 17581.5 of the Government Code is amended to read:

17581.5. (a) A school district shall not be required to implement or give effect to the statutes, or a portion of the statutes, identified in subdivision (b) during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if all of the following apply:

(1) The statute or a portion of the statute, has been determined by the Legislature, the commission, or any court to mandate a new program or higher level of service requiring reimbursement of school districts pursuant to Section 6 of Article XIII B of the California Constitution.

(2) The statute, ora portion of the statute, or the test claim number utilized by the commission, specifically has been identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. For purposes of this paragraph, a mandate shall be considered specifically to have been identified by the Legislature

only if it has been included within the schedule of reimbursable mandates shown in the Budget Act and it specifically is identified in the language of a provision of the item providing the appropriation for mandate reimbursements.

(b) This section applies only to the following mandates:

(1) The School Bus Safety I (CSM-4433) and II (97-TC-22) mandates (Chapter 642 of the Statutes of 1992; Chapter 831 of the Statutes of 1994; and Chapter 739 of the Statutes of 1997).

(2) The School Crimes Reporting II mandate (97-TC-03; and Chapter 759 of the Statutes of 1992 and Chapter 410 of the Statutes of 1995).

(3) Investment reports (96-358-02; and Chapter 783 of the Statutes of 1995 and Chapters 156 and 749 of the Statutes of 1996).

(4) County treasury oversight committees (96-365-03; and Chapter 784 of the Statutes of 1995 and Chapter 156 of the Statutes of 1996).

(5) Grand jury proceedings mandate (98-TC-27; and Chapter 1170 of the Statutes of 1996, Chapter 443 of the Statutes of 1997, and Chapter 230 of the Statutes of 1998).

(6) Sexual Harassment Training in the Law Enforcement Workplace (97-TC-07; and Chapter 126 of the Statutes of 1993).

SEC. 31. Section 37 of Chapter 79 of the Statutes of 2006 is amended to read:

Sec. 37. (a) Three hundred eighty-eight million two hundred eighty-three thousand dollars (\$388,283,000) is hereby appropriated from the General Fund, for expenditure during the 2007–08 fiscal year, in accordance with the following schedule:

(1) Six million two hundred twenty-seven thousand dollars (\$6,227,000) to the State Department of Education for apprenticeship programs to be expended consistent with the requirements specified in Item 6110-103-0001 of Section 2.00 of the Budget Act of 2006.

(2) Sixty-three million three hundred ninety-one thousand dollars (\$63,391,000) to the State Department of Education for supplemental instruction to be expended consistent with the requirements specified in Item 6110-104-0001 of Section 2.00 of the Budget Act of 2006. Of the amount appropriated by this paragraph, fifty-one million sixty-one thousand dollars (\$51,061,000) shall be expended consistent with Schedule (1) of Item 6110-104-0001 of Section 2.00 of the Budget Act of 2006, and twelve million three hundred thirty thousand dollars (\$12,330,000) shall be expended consistent with Schedule (2) of that item.

(3) Twenty-six million seven hundred twenty-six thousand dollars (\$26,726,000) to the State Department of Education for supplemental instruction to be expended consistent with the requirements specified in Item 6110-104-0001 of Section 2.00 of the Budget Act of 2006. Of the amount appropriated by this paragraph, four million six hundred ninety thousand dollars (\$4,690,000) shall be expended consistent with Schedule (3) of Item 6110-104-0001 of Section 2.00 of the Budget Act of 2006, and twenty-two million thirty-six thousand dollars (\$22,036,000) shall be expended consistent with Schedule (4) of that item.

(4) Thirty-nine million six hundred thirty thousand dollars (\$39,630,000) to the State Department of Education for regional occupational centers and programs to be expended consistent with the requirements specified in Schedule (1) of Item 6110-105-0001 of Section 2.00 of the Budget Act of 2006.

(5) Fifty-two million five hundred eighty-three thousand dollars (\$52,583,000) to the State Department of Education for home-to-school transportation to be expended consistent with the requirements specified in Schedule (1) of Item 6110-111-0001 of Section 2.00 of the Budget Act of 2006.

(6) Four million two hundred ninety-four thousand dollars (\$4,294,000) to the State Department of Education for the Gifted and Talented Pupil Program to be expended consistent with the requirements specified in Item 6110-124-0001 of Section 2.00 of the Budget Act of 2006.

(7) Forty-five million eight hundred ninety-six thousand dollars (\$45,896,000) to the State Department of Education for adult education to be expended consistent with the requirements specified in Schedule (1) of Item 6110-156-0001 of Section 2.00 of the Budget Act of 2006.

(8) Four million seven hundred fifty-one thousand dollars (\$4,751,000) to the State Department of Education for community day schools to be expended consistent with the requirements specified in of Item 6110-190-0001 of Section 2.00 of the Budget Act of 2006.

(9) Five million nine hundred forty-seven thousand dollars (\$5,947,000) to the State Department of Education for categorical block grants for charter schools to be expended consistent with the requirements specified in Item 6110-211-0001 of Section 2.00 the Budget Act of 2006.

(10) Thirty-eight million seven hundred twenty thousand dollars (\$38,720,000) to the State Department of Education for the School Safety Block Grant to be expended consistent with the requirements specified in Schedule (1) of Item 6110-228-0001 of Section 2.00 of the Budget Act of 2006.

(11) One hundred million one hundred eighteen thousand dollars (\$100,118,000) to the State Department of Education for Targeted Instructional Improvement Grant Program to be expended consistent with the requirements specified in Item 6110-246-0001 of Section 2.00 of the Budget Act of 2006.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2007–08 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2007–08 fiscal year.

SEC. 32. Item 6110-136-0890 of Section 2.00 of the Budget Act of 2006 (Chapter 47 of the Statutes of 2006) is amended to read:

6110-136-0890—For local assistance, Department of Education, payable from the Federal Trust Fund..... 1,760,816,000  
Schedule:

- (1) 10.30.060-Title I-ESEA..... 1,680,283,000
- (2) 10.30.065-McKinney-Vento Homeless Children Education..... 8,409,000
- (3) 10.30.080-Title I-School Improvement..... 72,124,000

Provisions:

1. In administering the accountability system required by this item, the State Department of Education shall align the forms, processes, and procedures required of local educational agencies in a manner that they may be utilized for the purposes of implementing the Public Schools Accountability Act, as established by Chapter 6.1 (commencing with Section 52050) of Part 28 of the Education Code, so that duplication of effort is minimized at the local level.
2. Of the funds appropriated in Schedule (3), \$10,000,000 shall be available for use by the State Department of Education for the purposes of the Statewide System of School Support established by Article 4.2 (commencing with Section 52059) of Chapter 6.1 of Part 28 of the Education Code.
3. Of the funds appropriated in Schedule (3), up to \$2,000,000 shall be made available to support school assistance and intervention teams that enter into a contract with a school pursuant to subdivision (a) of Section 52055.51 of the Education Code. These funds shall be allocated in the amount of \$75,000 for each school assistance and intervention team assigned to an elementary or middle school, and \$100,000 for each team assigned to a high school. The State Department of Education and Department of Finance may approve applications with justification for a total funding level of \$125,000.
4. Of the funds appropriated in Schedule (3), up to \$22,069,000 shall be made available to provide \$150 per pupil for each pupil in a school that is managed in accordance with paragraph (3) of subdivision (b) of Section 52055.5 of the Education Code or that contracts with a school assistance and intervention team pursuant to subdivision (a) of Section 52055.51 of the Education Code.
5. Of the funds appropriated in Schedule (3), \$16,180,000 shall be available pursuant to Article 3.1 (commencing

- with Section 52055.57) of Chapter 6.1 of Part 28 of the Education Code, for Title I district accountability.
6. The funds appropriated in Schedule (1) include a one-time carryover from prior years of \$3,500,000, available for the Even Start program.
  7. The funds appropriated in Schedule (2) include a one-time carryover of \$500,000 to support the existing McKinney-Vento Homeless Children Education program.
  9. The funds appropriated in Schedule (1) include a one-time carryover of \$24,300,000 to support the Title I Basic Program.
  10. The funds appropriated in Schedule (3) include a one-time carryover of \$22,275,000 to support the Title I School Improvement program.

SEC. 33. In order to be eligible for an allocation of funds made available pursuant to paragraph (6) of subdivision (a) of Section 9 of Chapter 371 of the Statutes of 2006, a school district or charter school that applies for that funding shall complete and submit to the county superintendent of schools on or before June 30, 2009, its plan for meeting its outstanding long-term fiscal obligations concerning retired employee nonpension benefits.

SEC. 34. The allocation of funds a school district, charter school, or county office of education receives pursuant to paragraph (16) of subdivision (a) of Section 43 of Chapter 79 of the Statutes of 2006, as amended by Section 9 of Chapter 371 of the Statutes of 2006, shall be used solely for the following:

- (a) Art and music supplies and equipment.
- (b) Physical education supplies and equipment.
- (c) Professional development in arts, music, physical education, or physical fitness.

SEC. 35. It is the intent of the Legislature to enact legislation requiring the clear articulation of a data access policy that is both compliant with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and related federal regulations and allows parents, educators, researchers, policymakers, and the public appropriate access to the longitudinal data that will be available in the California Longitudinal Pupil Achievement Data System (CALPADS). To further that intent, the State Department of Education shall provide a report, no later than August 1, 2007, to the Legislature, the Department of Finance, the Office of the Secretary for Education, and the Legislative Analyst's Office that includes all of the following:

- (a) The current guideline used by the department regarding access to data within CALPADS.
- (b) A summary of the ways in which other states interpret and apply the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) to longitudinal pupil data.

(c) Suggestions, based on current knowledge and understanding, for options to ensure access that is consistent with the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

SEC. 36. Notwithstanding Sections 42238.1 and 42238.15 of the Education Code or any other provision of law, the cost-of-living adjustment for Items 6110-104-0001, 6110-105-0001, 6110-111-0001, 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-189-0001, 6110-190-0001, 6110-196-0001, 6110-232-0001, 6110-234-0001, 6110-244-0001, and 6110-246-0001 of Section 2.00 of the Budget Act of 2006 (Chapter 47 of the Statutes of 2006), and those items identified in subdivision (b) of Section 12.40 of the Budget Act of 2006, is 4.53 percent. All funds appropriated in the items identified in this section are in lieu of the amounts that would otherwise be appropriated pursuant to any other provision of law.

SEC. 37. Notwithstanding any other provision of law, the funds appropriated pursuant to Items 6110-103-0001, 6110-104-0001, 6110-105-0001, 6110-111-0001, 6110-124-0001, 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-190-0001, 6110-211-0001, and 6110-243-0001 of Section 2.00 of the Budget Act of 2007 are available for encumbrance until July 31, 2010, and after that date, all remaining unencumbered funds in those items shall revert to the Proposition 98 Reversion Account.

SEC. 38. (a) The sum of three hundred eighty-eight million two hundred eighty-three thousand dollars (\$388,283,000) is hereby appropriated from the General Fund, for expenditure during the 2008–09 fiscal year, in accordance with the following schedule:

(1) Six million two hundred twenty-seven thousand dollars (\$6,227,000) to the State Department of Education for apprenticeship programs to be expended consistent with the requirements specified in Item 6110-103-0001 of Section 2.00 of the Budget Act of 2007.

(2) Ninety million one hundred seventeen thousand dollars (\$90,117,000) to the State Department of Education for supplemental instruction to be expended consistent with the requirements specified in Item 6110-104-0001 of Section 2.00 of the Budget Act of 2007. Of the amount appropriated by this paragraph, fifty-one million sixty-one thousand dollars (\$51,061,000) shall be expended consistent with Schedule (1) of Item 6110-104-0001 of Section 2.00 of the Budget Act of 2007, twelve million three hundred thirty thousand dollars (\$12,330,000) shall be expended consistent with Schedule (2) of that item, four million six hundred ninety thousand dollars (\$4,690,000) shall be expended consistent with Schedule (3) of that item, and twenty-two million thirty-six thousand dollars (\$22,036,000) shall be expended consistent with Schedule (4) of that item.

(3) Thirty-nine million six hundred thirty thousand dollars (\$39,630,000) to the State Department of Education for regional occupational centers and programs to be expended consistent with the requirements specified in Schedule (1) of Item 6110-105-0001 of Section 2.00 of the Budget Act of 2007.



(4) Fifty-two million five hundred eighty-three thousand dollars (\$52,583,000) to the State Department of Education for home-to-school transportation to be expended consistent with the requirements specified in Schedule (1) of Item 6110-111-0001 of Section 2.00 of the Budget Act of 2007.

(5) Four million two hundred ninety-four thousand dollars (\$4,294,000) to the State Department of Education for the Gifted and Talented Pupil Program to be expended consistent with the requirements specified in Item 6110-124-0001 of Section 2.00 of the Budget Act of 2007.

(6) Forty-five million eight hundred ninety-six thousand dollars (\$45,896,000) to the State Department of Education for adult education to be expended consistent with the requirements specified in Schedule (1) of Item 6110-156-0001 of Section 2.00 of the Budget Act of 2007.

(7) Four million seven hundred fifty-one thousand dollars (\$4,751,000) to the State Department of Education for community day schools to be expended consistent with the requirements specified in of Item 6110-190-0001 of Section 2.00 of the Budget Act of 2007.

(8) Five million nine hundred forty-seven thousand dollars (\$5,947,000) to the State Department of Education for categorical block grants for charter schools to be expended consistent with the requirements specified in Item 6110-211-0001 of Section 2.00 the Budget Act of 2007.

(9) Thirty-eight million seven hundred twenty thousand dollars (\$38,720,000) to the State Department of Education for the School Safety Block Grant to be expended consistent with the requirements specified in Schedule (1) of Item 6110-228-0001 of Section 2.00 of the Budget Act of 2007.

(10) One hundred million one hundred eighteen thousand dollars (\$100,118,000) to the State Department of Education for Targeted Instructional Improvement Grant Program to be expended consistent with the requirements specified in Item 6110-246-0001 of Section 2.00 of the Budget Act of 2007.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2008–09 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2008–09 fiscal year.

SEC. 39. (a) The sum of two hundred million dollars (\$200,000,000) is hereby appropriated from the General Fund to the Board of Governors of the California Community Colleges for apportionments to community college districts, for expenditure during the 2008–09 fiscal year, to be expended in accordance with Schedule (1) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2007.

(b) For the purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for community college districts,” as defined in subdivision (d) of Section 41202 of the Education Code, for the 2008–09 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2008–09 fiscal year.

SEC. 40. It is the intent of the Legislature that for the 2008–09 fiscal year, after funding cost-of-living and enrollment growth adjustments for kindergarten and grades 1 to 12, inclusive, education programs operated in the 2007–08 fiscal year, a priority for the allocation of any additional funds available for kindergarten and grades 1 to 12, inclusive, within the Proposition 98 minimum guarantee shall be to fund revenue limit equalization in a manner consistent with Section 42238.48 of the Education Code.

SEC. 41. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 42. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2007 at the earliest possible time, it is necessary that this act take effect immediately.